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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**JOINT DISCOVERY STATUS REPORT**

Pursuant to the Court's March 13, 2013 Case Management Order (Dkt. 350), the parties submit this joint discovery status report.

**I. Status of Discovery**

Since the March 15, 2013 Joint Discovery Status Report, the following depositions have taken place:

- Sergey Brin (Google) on March 19, 2013.
- Lynwen Brennan (Lucasfilm) on March 19, 2013.
- Dana Batali (Pixar) on March 19, 2013.
- Tony Fadell (Apple) on March 20, 2013.
- Daniel McKell (Intel) on March 20, 2013.
- Chris Galy (Intuit) on March 20, 2013.
- Steve Condiotti (Lucasfilm) on March 20, 2013.
- Tim Cook (Apple) on March 21, 2013.
- Natalie Kessler (Adobe) on March 22, 2013.
- Brian Croll (Apple) on March 22, 2013.
- Larry Page (Google) on March 22, 2013.
- Renée James (Intel) on March 22, 2013.
- Scott Cook (Intuit) on March 22, 2013.

The following are the dates of outstanding depositions that have been or are being scheduled:

- Alex Lintner (Intuit) on March 25, 2013.
- Bob Mansfield (Apple) on March 26, 2013.
- Kim Hoffman (Adobe) on March 27, 2013.
- Laszlo Bock (Google) on March 27, 2013.
- Rosemary Arriada-Keiper (Adobe) on March 28, 2013.
- George Lucas (Lucasfilm) on March 28, 2013.
- John Warnock (Adobe) on March 29, 2013.
- Ann Reeves (Apple) on March 29, 2013.
- Charles Gray (Google) on March 29, 2013.
- Tina Evangelista (Intel) on March 29, 2013.
- Mason Stubblefield (Intuit) on March 29, 2013.
- Robert DeMartini (Intuit) on April 1, 2013.

- Patrick Flynn (Google) on April 4, 2013.
- Debbie Streeter (Adobe) on April 5, 2013.
- Stephanie Buran (Plaintiffs) by April 15, 2013.
- Paul Schreiber (Plaintiffs) by April 15, 2013.

Since the March 15, 2013 Joint Discovery Status Report, the parties have produced the following additional documents:

- Adobe produced 29 documents, consisting of 176 pages.
- Google produced 37 privilege throwbacks and also produced its final privilege log, as well as two documents related to a follow-up request made by Plaintiffs.
- Intel produced 9,383 documents, consisting of 140,814 pages.<sup>1</sup> Intel also produced its final privilege log.
- Intuit produced 2 documents, consisting of 29 pages.
- Pixar produced 12 documents.

Since the Court's March 15, 2013 Order re: Redactions For Lack of Relevance and/or Responsiveness (Dkt. 359), Defendants have re-produced the following documents without redactions for lack of relevance and/or responsiveness:

- Adobe reproduced 329 documents without redactions on March 19, 2013, consisting of 6,311 pages.
- Google reproduced 773 documents on March 17, 2013, consisting of 11,264 pages.
- Intel reproduced 33 documents on March 19, 2013, consisting of 4,547 pages.
- Intuit reproduced 153 documents without redactions on March 19, 2013, consisting of 1,988 pages.
- Lucasfilm reproduced 792 documents on March 19, 2013, consisting of 1,071 pages. Lucasfilm reproduced 30 documents on March 20, 2013, consisting of 6,472 pages.

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<sup>1</sup> 80,995 pages are from 1,623 Excel spreadsheets, which were also produced in native format unless they required privilege or privacy redaction.

## **II. Google Document Production**

### **A. Plaintiffs' Position**

In the course of reviewing Defendant Google's document production in March 2013, Plaintiffs identified two types of documents that should have been produced but are missing. Plaintiffs have asked Google to remedy the deficiency but the missing documents have not yet been produced, nor has Google confirmed that it will produce them.

First, several Google documents reference a website with the address <http://go/inyourfacebook>. This website appears to be a place where Google employees were encouraged to post strategies and tactics in its recruiting efforts against Facebook, and the documents suggest that the information gathered there was reviewed by Laszlo Bock, who is scheduled to be deposed on March 27, 2013. On March 4, 2013, prior to several key depositions of Google witnesses, Plaintiffs asked Google's counsel to produce all of the documents from this website, including individual employee posts, since we have found no such documents in Google's production. On March 9, 2013, Plaintiffs again asked Google's counsel to confirm whether all such documents had been produced. Plaintiffs have received neither additional documents associated with this website, nor confirmation that all such documents have been produced.

Second, Plaintiffs located a 2004 document illustrating salary ranges. Plaintiffs have not been able to locate salary range documents for other years in the class period, although Google deponent Frank Wagner testified that similar documents existed during the class period and are now contained in a certain internal Google computer site. On March 7, 2013, during the Wagner deposition, Plaintiffs asked Google's counsel to either identify the documents in Google's production that contain salary ranges for the relevant years, or to produce such documents right away. Plaintiffs again followed up on this request on March 9, 2013.<sup>2</sup>

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<sup>2</sup> Plaintiffs received Google's carefully worded response late today. Google ought to have produced such basic compensation information as salary range guidelines nearly a year ago, back in June 2012, and it is difficult to believe that an appropriately thorough search would yield so few Google documents reflecting salary range information. Plaintiffs note that Google also represented to Plaintiffs today that there exists just one <http://go/inyourfacebook> document; Plaintiffs request that Google continue to look for additional documents and trust Google will produce any documents Google does discover as it continues its search.

1           **B.     Defendant Google Inc.’s Position**

2           Plaintiffs’ claim that they have identified “two types of documents that should have been  
3 produced but are missing” is incorrect.

4           First, with respect to Plaintiffs’ request that Google produce all documents associated with  
5 the link <http://go/inyourfacebook>, Google has determined that it has already produced the text of  
6 the document associated with that link, which contains the content described by Plaintiffs. *See*  
7 GOOG-HIGH-TECH-00255174, which was produced to Plaintiffs on November 8, 2012.  
8 Google informed Plaintiffs of this fact today, before the filing of this report, but Plaintiffs insisted  
9 on maintaining their position.

10           Second, with respect to purported “salary range documents”, as Google reminded  
11 Plaintiffs today, Google utilized general salary ranges by type and level of employee, among  
12 other things, as guidelines for employee compensation before 2007, and during 2007 and  
13 thereafter Google relied on more detailed data for setting salary range guidelines, which Google  
14 already produced to Plaintiffs on June 15, 2012 (at GOOG-HIGH-TECH-00182929). Moreover,  
15 based on Google’s review to date, no documents similar to the 2004 document that Plaintiffs  
16 reference above exist in Google’s production, or in the set of documents collected from the  
17 agreed-to custodians based on the search strings that Plaintiffs also agreed to. Nevertheless, in an  
18 effort to accommodate Plaintiffs’ follow-up request for salary range information like that  
19 reflected in this 2004 document, Google was able to locate two more documents from non-  
20 custodial files and outside the scope of the parties’ agreed-to search parameters that contain salary  
21 range information for 2005 and 2006. Both documents were produced to Plaintiffs today.  
22 Google is continuing to search non-custodial files for any similar information for 2003 but, to  
23 date, has not been able to find any such documents. Google will continue to investigate whether  
24 any such similar documents or information exist for 2003 and will produce any such documents  
25 to Plaintiffs if they exist.

26           **III.   Conclusion**

27           Plaintiffs are conducting an ongoing assessment of Defendants’ deposition testimony,  
28 document productions and disclosures, and anticipate identifying in next week’s report additional

witnesses and materials, if any, that appear to be missing from the discovery record. Defendants will wait for Plaintiffs' "assessment" before responding, but reserve the right to object to any request for "additional witnesses" or "materials," including as untimely.

Respectfully submitted,

Dated: March 22, 2013

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8 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
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